UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/660
15 August 1996
ENGLISH
ORIGINAL: ENGLISH/FRENCH

REPORT OF THE SECRETARY-GENERAL ON THE SITUATION IN BURUNDI

I. INTRODUCTION

1. On 3 May 1996, I submitted to the Security Council a report on the situation in Burundi (S/1996/335) pursuant to resolution 1049 (1996) of 5 March 1996. On 15 May, in response to the report, the Council requested me and Member States concerned to continue to facilitate, as a matter of urgency, contingency planning for a rapid humanitarian response in the event of widespread violence or a serious deterioration in the humanitarian situation in Burundi (S/PRST/1996/24).

2. The Security Council has since received regular oral briefings by my Personal Representative. On 22 July 1996, I addressed a letter to the President of the Council, in accordance with paragraph 15 of resolution 1049 (1996), informing him of a further deterioration of the situation (S/1996/591). The following day, the International Commission of Inquiry in Burundi, established by the Security Council in resolution 1012 (1995) of 28 August 1995, submitted to me its final report which I forwarded to the President of the Council on 25 July 1996.

3. The present report is based on information available to the Secretariat up to 8 August 1996.

II. POLITICAL AND SECURITY SITUATION

A. The situation before the coup d'état

4. Burundi has experienced an increasing number of attacks by insurgents, military reprisals, assassinations and acts of violence that have terrorized large segments of the population and claimed the lives of innocent men, women and children in all parts of the country. In Gitega Province in central Burundi, 224 people, mostly civilians, were killed in the last week of May alone. The country was caught in a cycle of attacks by armed Hutu bands against military and economic targets and of reprisals by the Burundi Army and Tutsi militias.

5. Expatriates were increasingly exposed to violence. On 4 June 1996, three delegates of the International Committee of the Red Cross (ICRC) were ambushed and killed by unidentified armed assailants in Cibitoke Province. This wanton act of violence deeply shocked the international community. I condemned it in the strongest terms and called upon all the parties to refrain from such acts and to allow the humanitarian agencies to carry out their work. However, Cibitoke remained one of the most dangerous locations in Burundi. The Government condemned the killings and blamed armed Hutu rebels of the Conseil national pour la défense de la démocratie (CNDD). Claiming that it was not responsible for the ambush, CNDD also condemned it and supported an immediate official investigation; it did not exclude the possibility that its armed wing, the Front pour la défense de la démocratie (FDD), had been involved.

6. In the wake of escalating violence, my Personal Representative to the Security Council, in an oral briefing on 9 May 1996, warned that a coup d'état might take place before the end of June. On 9 June, the Burundi Minister of Defence ruled out that possibility, while stating that disorder could not continue indefinitely. On 9 July, as the internal crisis deepened, he again ruled out a military takeover and declared that only a political solution would end the crisis. The efforts of Mr. Julius K. Nyerere, former President of the United Republic of Tanzania, to engage the Burundi political parties in peace talks continued. At the Mwanza II negotiations, concluded on 9 June 1996, it was hoped that the two main political parties, the Front pour la démocratie au Burundi (FRODEBU) and the Union pour le progrès national (UPRONA), would be able to adopt a joint position to move the peace negotiations forward. However, fears of being forced to talk to CNDD made UPRONA withhold its agreement and, at the end of the meeting, UPRONA and FRODEBU refused to sign a joint declaration.

7. In the hope that it was still possible to help resolve the crisis, Mr. Nyerere invited the leaders of 14 political parties, both signatories and non-signatories to the Convention on Governance of 10 September 1994, to consultations on 17 June 1996 in preparation for a Mwanza III meeting. They ended with the signature of a declaration by eight political opposition parties which called for the improvement of the Convention on Governance and for the inclusion of legally established political organizations and civil society in the negotiations, apart from CNDD, the Parti pour la libération du peuple hutu (PALIPEHUTU) and the Front de la libération nationale (FROLINA). Regrettably, neither UPRONA, which was absent, nor the Parti pour le redressement national (PARENA) signed the declaration. Mr. Nyerere warned that time was fast running out for a political settlement and that an international military intervention might be necessary.

8. New hope for a political settlement grew with the convening of the regional summit of Heads of State and Government in Arusha, United Republic of Tanzania, on 25 June 1996. Regional leaders welcomed a request by the Government of Burundi for security assistance to restore peace and stability and expressed their readiness to respond positively to it. They established a technical committee to determine the type and level of assistance needed and expressed their hope that the committee's report would be available before the Meeting of Heads of State and Government of the Organization of African Unity (OAU) at Yaoundé, from 8 to 10 July 1996. Prime Minister Nduwayo explained that his Government was not seeking outside military intervention but rather assistance

to ensure the people's safety. Both he and President Ntibantunganya underlined the need for an immediate end to the violence. Participants felt encouraged that, in the face of an extremely troubled political and security situation, both were able to surmount their differences.

9. On his return to Bujumbura, the President called for the rejection of violence and informed the Burundians about the Government's request for regional help to end the senseless killings. Facing strong protests, he had to explain this request further, emphasizing that Burundi had asked for political, diplomatic, military and police assistance from its neighbours without prejudice to national sovereignty and that foreign troops would be under Burundian command. However, the Prime Minister began to distance himself from the Arusha agreement, accusing the President of promoting a secret agenda and of attempting to neutralize the army. On 5 July 1996, the National Security Council established a 21-member committee of military and civilian experts to discuss requirements for the implementation of the Arusha "peace plan" and means for ensuring security. The obvious lack of accord within the Government delayed progress in the work of the committee. The experts failed to agree on a security assistance plan, but requested further military assistance and suggested the deployment of a limited number of international observers along the country's international borders.

10. At the end of the OAU summit on 10 July, African States affirmed their support for the peace process initiated by Mr. Nyerere and encouraged him to pursue his efforts towards democracy and security for all Burundians. OAU expressed full support for the results of the Arusha summit and concern about the delay in implementing the Arusha "peace plan". It called on the Burundi political parties to reconcile their views to enable the regional technical commission to proceed with its work aimed at restoring security and starting the political healing process. While the commission was reportedly refused permission to visit Burundi, rumours re-emerged of an impending coup d'état. On 18 July, Mr. Nyerere consulted the Secretary-General of OAU and international special envoys in an effort to move the stalled peace process forward. He expected to meet the leaders of the Burundi political parties in Mwanza, United Republic of Tanzania, five days later. FRODEBU and several opposition parties arrived at the venue; UPRONA, however, excused itself from the talks, as a result of the Bugendana massacre which had just taken place (see para. 12 below). Mr. Nyerere, President Mkapa of the United Republic of Tanzania and President Museveni of Uganda agreed to convene a second Arusha summit on 31 July 1996.

11. Meanwhile, the Arusha "peace plan" had continued to cause concern in Bujumbura. On 4 July 1996, former President Jean-Baptiste Bagaza warned of armed resistance against a military intervention and suggested that the Government should be overthrown rather than assisted. Responding to his call, hundreds of Tutsi students protested against a possible deployment of foreign troops, demanded the resignation of the President and expressed their readiness to fight for their country. UPRONA President Mukasi called for resistance against the Mwanza process and the Arusha "peace plan" and accused the President, the Prime Minister and the National Security Council of high treason. While FRODEBU President Minani repeatedly expressed support for the implementation of the Arusha "peace plan", CNDD rejected it on the grounds that

the plan had failed to take account of the balance of power in Burundi and insisted that it would tolerate a security force only if its mandate had been negotiated by all parties in Burundi.

B. The coup d'état of 25 July 1996

12. On 20 July 1996, another massacre of innocent civilians occurred and had far-reaching consequences. Around 341 women, children and elderly men were slaughtered at a camp for displaced persons in Bugendana, in central Gitega Province; 225 people were unaccounted for and more than 160 injured. The Burundi authorities and CNDD blamed each other for the killings. Prime Minister Nduwayo announced a week of national mourning starting on 22 July 1996 and life in Bujumbura ground to a halt after former President Bagaza called for a two-day general strike in protest against the killings and the Arusha "peace plan". He again called for the overthrow of the Government and for the formation of a patriotic front to defend Burundi's sovereignty. Demonstrations were increasingly militant, forcing FRODEBU to request "friendly countries and the international community to realize that the country is in danger and urgently in need of help". FRODEBU was "awaiting the arrival of assistance as soon as possible so that peace can prevail in Burundi".

13. Burundi's ethnically divided leaders failed to unite at the mass funeral of the victims of the Bugendana massacre. An angry Tutsi crowd pelted President Ntibantunganya with stones when he arrived at the funeral. He was immediately flown to safety, while Prime Minister Nduwayo and hundreds of members of the security forces made no attempt to intervene. At the same time, UPRONA denounced the Convention on Governance and announced that it was formally withdrawing confidence in the President of the Republic and that it had entered into a dialogue with other political partners to "endow the country with new institutions". Feeling his life threatened and with increasing rumours of an impending coup d'état, the President took refuge in the residence of the United States Ambassador to Burundi. The Army dismissed these rumours and affirmed that it would remain behind the President "as an institution". But the President's flight to the premises of the United States Embassy and the Prime Minister's intention to resign to a "competent authority" indicated the apparent collapse of the coalition Government. As a result of these "resignations", the armed forces claimed there was a "constitutional vacuum" that necessitated their seizing power. On 25 July, at around 4.30 p.m. local time in Bujumbura, my Special Representative, Mr. Marc Faguy, was informed that the armed forces had put in power a presidential candidate of their choice, deployed heavily armed units, set up roadblocks across the city and moved into the national television station. In a first statement to the public, the Minister of Defence announced that President Ntibantunganya had been replaced by the Tutsi former Head of State, Major Pierre Buyoya.

14. Major Buyoya vowed to organize a true national debate and re-launch the democratic process and called for calm and the restoration of peace in Burundi. Immediate measures were announced by the armed forces: the suspension of the National Assembly and of political parties and of associations; a ban on strikes and demonstrations; the closure of the country's borders and of Bujumbura airport; and the maintenance of a country-wide curfew from 7 p.m. to 5.30 a.m.

The Army warned that any attempt to violate these measures, especially among the urban population, would be severely punished. Major Buyoya declared his intention to establish a transitional Government and said that he would study the possibility of setting up a parliament of transition to allow Burundians of different categories and persuasions to participate fully in the establishment of new institutions. He also urged the international community to refrain from military intervention in his country. Having announced that he was looking for a cooperative Hutu personality with whom he would be able to work to implement his transition plans, he appointed Mr. Pascal Firmin Ndimira as the new prime minister on 31 July. On 2 August, a new Government of 23 members was introduced.

C. International reaction to the coup d'état

15. On 24 July 1996, on the eve of the coup, the Security Council strongly condemned any attempt to overthrow the legitimate Government by force or coup d'état (S/PRST/1996/31). On 29 July, it expressed regret that both civilian and military leaders had failed to resolve their differences through established constitutional mechanisms (S/PRST/1996/32). On the day of the coup itself, I strongly urged all concerned to uphold the Constitution and to bear in mind that the international community would on no account accept a change of government by force or other illegitimate means in Burundi. I urged the armed forces to recognize that a coup d'état would not solve any of Burundi's problems and called on all sides to show restraint and prevent a new outbreak of violence.

16. On 25 July 1996, the OAU Central Organ of the Mechanism for Conflict Prevention, Management and Resolution expressed its deep concern at the deteriorating situation and stressed the need to isolate completely any regime in Burundi that took power by force or any other pretext. It stressed the importance of a speedy implementation of the Arusha "peace plan", particularly of provisions concerning security assistance, and warned that any obstruction to security assistance as requested by the Government of Burundi could be met with the deployment of a multinational force for humanitarian intervention as recommended by the Secretary-General of the United Nations (S/1996/594). On 5 August, the Central Organ appealed to the international community to lend its strong support to the speedy implementation of decisions made at the second Arusha summit and announced the OAU's decision to withdraw its military observers from Burundi. However, it requested the OAU Secretary-General to consider strengthening the civilian and political component of its observer mission (S/1996/628).

17. On 31 July 1996, at their second summit in Arusha, regional leaders condemned the coup, decided to impose economic sanctions on Burundi and appealed to the international community to support their decisions. They called on the new regime to undertake immediate and unconditional negotiations with all parties inside and outside the country, to return to constitutional order and legality, to restore the National Assembly and to unban all political parties. While the summit set up a technical committee to determine the scope and period for sanctions, some States acted immediately and severed their economic ties with Burundi. The United Republic of Tanzania announced the closure of Kigoma

port for trade to and from Burundi, an oil embargo and the suspension of commercial air links and, together with Zaire and Rwanda, undertook to close its national borders with Burundi. Kenya suspended road, rail and air links. The summit called for the implementation of the Arusha "peace plan" and the continuation of the Mwanza peace talks. At the end of their deliberations, the regional leaders adopted a joint communiqué declaring their readiness to cooperate fully with the United Nations and to contribute as appropriate to measures aimed at avoiding a catastrophe in Burundi (S/1996/620).

III. HUMANITARIAN SITUATION

18. In recent months, intense fighting, accompanied by attacks on civilian populations throughout the country, has made the humanitarian situation in Burundi extremely precarious. As a result, the task of the many organizations that remain committed to providing assistance to those affected has become increasingly difficult.

19. By early March, the armed conflict stretched to almost every province, resulting in thousands of casualties and the displacement of tens of thousands of people. More recently, the humanitarian situation has seriously deteriorated as a result of renewed intense fighting in the north-western provinces of Bubanza and Cibitoke, the outbreak of fighting in the south, increased massacres of civilians by both rebels and the Armed Forces, and the initially forceful repatriation by local Burundian authorities of large numbers of Rwandan refugees in the north-east.

20. The current climate of extreme insecurity has seriously affected the ability of humanitarian organizations to undertake the comprehensive multisectoral projects aimed at meeting emergency needs in Burundi. The spreading conflict and the increasing difficulties faced by government authorities in providing adequate guarantees for the safety of humanitarian workers have also seriously impeded the access of aid agencies to the most vulnerable populations. Equally worrisome, the politicization of the inter-ethnic conflict itself has made it ever more difficult for humanitarian organizations to be perceived by the population as neutral, as their assistance is judged to favour one side or the other. As mentioned in paragraph 5 above, threats against humanitarian personnel have occurred regularly. ICRC has been forced to suspend its activities and to pull out of the country following threats to its staff and the murder of three of its delegates in Cibitoke.

21. Serious concern has been expressed by the United Nations High Commissioner for Refugees, Mrs. Sadako Ogata, at the way the Burundi authorities started to implement the closure of refugee camps in the north of the country. On 20 July 1996, they proceeded with the refoulement of some 15,200 refugees to Rwanda. The Kibezi and Ruvumu camps were closed down, sending around 10,000 refugees fleeing into the larger Magara camp in Ngozi Province. The fear spread that the Burundi authorities would also close Magara camp, where some 50,000 refugees currently live. The High Commissioner addressed letters to the Heads of State of Rwanda and Burundi to protest the forced repatriation. In response, they agreed to halt temporarily the expulsions of Rwandan Hutu refugees. Since the Burundi authorities still wanted the refugees to leave as soon as possible,

the High Commissioner was asked to persuade refugees in the Magara camp to return voluntarily to Rwanda. After the coup d'état, Major Buyoya stopped the refoulement and declared that Burundi would respect international law, including the protection of refugees on its soil.

22. Since the end of the refoulement, 3,292 Rwandan refugees out of 65,000 remaining in Burundi have been voluntarily repatriated to Rwanda under the auspices of the Office of the United Nations High Commissioner for Refugees (UNHCR), while an increasing number of refugees have started to register for this process. Another 3,500 returnees, whose reintegration will be monitored jointly by UNHCR and the Centre for Human Rights, were expected to cross into Rwanda in the second week of August. To maintain the momentum of returns and to counteract anti-repatriation propaganda in the camps, UNHCR has reinforced its mass information campaign and provided aid packages for returnees. A fleet of 75 UNHCR trucks from Burundi and Rwanda is on stand-by in Ngozi to meet the repatriation needs.

23. The prevailing insecurity, coupled with the most recent series of swift political changes, has led relief organizations to operate in a "stop-and-go" manner which has so far prevented the adoption of a longer-term development approach for Burundi. United Nations agencies and non-governmental organizations (NGOs) have nevertheless been able to meet the most immediate relief needs of victims of the conflict by adopting realistic programmes that have taken account of the current operational constraints. Major United Nations activities have included the above-mentioned UNHCR efforts to protect Rwandan refugees in the north-east, while continuing to encourage them to return home. The World Food Programme (WFP) and the United Nations Children's Fund (UNICEF) have endeavoured to implement regular nutrition and education programmes, while also addressing requests for immediate ad hoc assistance when and where necessary. The World Health Organization (WHO) and the Food and Agriculture Organization of the United Nations (FAO) have adapted their activities so as to provide appropriate assistance in emergency situations and strengthen the capacity of government ministries in the health and agriculture sectors.

24. Since the beginning of this year, United Nations agencies have worked together to develop contingency plans for emergency humanitarian operations in Burundi. I am pleased to report that the Emergency Operations Plan for Burundi has now been finalized. The Plan addresses a fundamental operational issue, i.e. how United Nations agencies can function together to provide the maximum level of emergency assistance in the event of a serious escalation of the conflict. Various scenarios allow for humanitarian activities to be undertaken under different security conditions in four operational zones in the country. The Plan also provides for closer coordination of United Nations activities in common regions of intervention and for tighter collaboration with national and international NGOs. Intense inter-agency efforts in the areas of security and humanitarian contingency planning have helped to establish common structures and plans both in Bujumbura and at major field stations. These include a strengthened inter-agency telecommunications system, provisional plans for shared field offices and logistics equipment, and common strategies for emergency operations in the case of a rapid deterioration of the situation.

25. Following the further deterioration of the security situation, the Department of Humanitarian Affairs sent a five-man technical support mission to the region from 29 July to 6 August. The objectives of the mission were threefold: to identify the kinds of support, in telecommunications, transport and logistics, that the Office of the Humanitarian Coordinator might need or should have on stand-by for possible future scenarios; to assess how the latest events have affected the United Nations humanitarian operations in Burundi; and to assess the need for strengthening field support coordination.

26. The decision taken at the second Arusha summit to impose sanctions is of particular concern for the humanitarian community in Burundi. UNHCR and WFP have a one-month stockpile of commodities for some 300,000 people. Should a humanitarian corridor not be established during this one-month period, United Nations humanitarian operations might be seriously jeopardized. The United Nations is looking into ways of pursuing the humanitarian assistance programmes while respecting the decisions of the summit. The under-secretaries-general for Humanitarian Affairs and for Political Affairs wrote to the Secretary-General of OAU in this regard on 7 August.

IV. HUMAN RIGHTS

27. Intensely concerned at the situation in Burundi following the October 1993 coup attempt, the United Nations High Commissioner for Human Rights, Mr. José Ayala Lasso, upon assuming his duties in April 1994, took a number of initiatives aimed at putting an end to the systematic human rights violations in the country. Thus, in June 1994, he opened a human rights office in Bujumbura, whose initial activities centred on a technical cooperation programme in the fields of justice, the mass media, education and training that was targeted to various sectors of Burundian society. In this context, the Government's efforts were supported by activities to train magistrates, officers of the court, judicial police officers, journalists and teachers, the strengthening of local organizations for the protection of human rights, and awareness-raising and information campaigns to promote human rights and tolerance.

28. The High Commissioner believed, none the less, that this initiative should also include a human rights protection component. He was encouraged in this regard by the Commission on Human Rights which, in its resolution 1995/90 of 8 March 1995, stressed the need to increase preventive action in Burundi without delay, in particular, through the presence of human rights observers throughout the country. In addition, the statement made on 9 March 1995 by the President of the Security Council (S/PRST/1995/10) encouraged the High Commissioner to strengthen his office in Bujumbura and to consider the role that such observers might play.

29. This was the context in which an operational plan for the deployment of 35 human rights observers in Burundi was drawn up in 1995. The implementation of this plan ran into financial difficulties; however, thanks to a number of voluntary contributions, including, in particular, that of the European Commission, it was possible to deploy five human rights observers in Burundi as from 19 April 1996. In spite of insufficient human resources, logistical constraints and the unsafe conditions prevailing in the country, the observers

there were able to carry out a number of inquiry and fact-finding missions. The human rights situation in Burundi is characterized by large-scale massacres involving both State agents and rebels; selective murders of intellectuals, political leaders, provincial officials and Hutu merchants, as well as certain Tutsi military officers alleged to be moderates; arbitrary arrests; and enforced disappearances.

30. Despite the reopening of the three criminal chambers of Bujumbura, Gitega and Ngozi, the judicial system is facing enormous institutional and material difficulties. In the 150 or so cases examined at the last two sessions, 89 death sentences and 36 sentences of life imprisonment were handed down without lawyers in attendance and without a real understanding on the defendants' part of the charges against them. At the request of President Ntibantunganya's administration, the Centre for Human Rights is currently finalizing an important judicial assistance project designed to alleviate this situation.

31. Visits to various detention centres and prisons and meetings with prison administration officials enabled the observers to take stock of the alarming prison conditions caused by overcrowding, cramped quarters, health problems and the spread of contagious diseases.

32. Moreover, the first group of observers made a careful assessment of its terms of reference and scope of action in the light of current circumstances, and then determined the extent to which it would be possible to continue the deployment of human rights observers throughout the country. On the basis of this assessment, the High Commissioner on 18 July 1996 sent a letter to the ministers for foreign affairs of the States Members of the United Nations, indicating that a broader operation would be not only useful but possible. He emphasized, however, that the recommended increase in the number of observers to 35 and the opening of at least two provincial offices - one in the province of Bujumbura and the other in the province of Ngozi - would be possible only if reliable means of transport and communication were available and if financial resources were sufficient to plan activities over a period of a year or at least six months.

33. From 1 to 17 July 1996, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Burundi, Mr. Paulo Sergio Pinheiro, carried out his third mission to all parts of the country. The press release which he issued following his mission stressed that hundreds of thousands of people had been killed, and that women, children and the elderly, in particular, were among the victims. It noted the generalized lack of safety in which the country was mired, the climate of fear, hatred and exclusion that prevailed among Burundians, and the impunity which was poisoning human relations and paralysing all initiatives to lift the country out of chaos. The press release stressed that the resulting human rights violations had forced thousands of Burundians to seek refuge in neighbouring countries or to flee to the hillsides en masse.

34. In the aftermath of the recent political developments in the country, the activities of the human rights observers were suspended for several days. Nevertheless, preparations are being made for fact-finding missions to gather

information on the allegations concerning incidents and massacres which took place during the last few days.

V. ECONOMIC AND SOCIAL ASPECTS

35. In the face of economic sanctions, the Burundi business community has reacted with serious concern over the consequences of the sanctions which, in its view, would violate regional accords, notably the preferential trading zone agreement, which assures freedom of movement of people and property between Burundi and neighbouring States. Fears exist that economic sanctions will further devastate the country, where three years of civil war have not only claimed tens of thousands of lives but also plunged the economy into ruin. The per capita gross domestic product (GDP) is $195, which is 16 per cent lower than in 1992. Inflation, at just 4 per cent in 1992, increased to over 19 per cent in 1995 and has accelerated further in 1996. The Bujumbura market reveals that many prices have increased by 5 to 7 per cent in the first four months of 1996. As of 7 August 1996, the price of salt, a leading indicator of the local market, had tripled as the sanctions began to take hold. Household consumption continues to decline, many Burundians do not have access to clean water, and poverty and malnutrition are spreading.

36. Coffee remains the main source of income in Burundi, representing 80 per cent of foreign exchange earnings. However, the 1995 harvest was mediocre, as the violence engulfing the country had driven increasing numbers of people to abandon crops and cattle. Industrial output has also been hard-hit, particularly in the energy sector, by frequent attacks and sabotage against production sites and supplies. Burundi's balance of trade has continued to decline. Last year, the country showed a current account surplus of FBu 2.3 billion, less than a quarter of the 1994 level. That surplus had been achieved by large influxes of financial aid to compensate for the deficits in the balance of trade and services. The general decline in overall exports and the increase in import requirements for merchandise products have led to higher service payments for transport and insurance. Burundi's default on debt service is likely to grow as a result of the continuing civil strife and the sanctions. The balance of payment surplus has narrowed, with the 1996 deficit estimated at FBu 9 billion. Burundi will soon have difficulties in the payment of civil service and military salaries.

VI. CONSULTATIONS AND CONTINGENCY PLANNING

37. In its presidential statement of 15 May 1996 (S/PRST/1996/24), the Security Council reiterated the importance it attached to the contingency planning called for in paragraph 13 of resolution 1049 (1996). The Council requested me and Member States concerned to continue to facilitate, as a matter of urgency, contingency planning for a rapid humanitarian response in the event of widespread violence or a serious deterioration in the humanitarian situation in Burundi.

38. Accordingly, the Secretariat has been pursuing a two-track approach. First, 86 Member States were asked to indicate what contribution they might be

prepared to make to a peace-keeping mission. Of these, 20 have replied, 14 positively and 6 negatively. Though the Secretariat has drawn up fairly advanced plans for a peace-keeping operation on the basis of the incomplete information available to it, I wish to reiterate that such an operation cannot be deployed without the consent of the parties. Although the volatile situation in Burundi is being kept under close review, the conditions necessary for the successful deployment of a peace-keeping operation do not appear at present to exist.

39. Secondly, the Secretariat has approached nearly 50 Member States in Africa, Europe, North America and Asia to follow up the proposal I made in my report of 15 February 1996 (S/1996/116) to establish a multinational force for humanitarian intervention. The tasks of such a force might include the improvement of security and the deterrence by all possible means of attacks on civilians, including refugees and displaced persons. It could also facilitate the delivery of humanitarian assistance and provide time for negotiations to pursue a viable political settlement. It was anticipated that the multinational force would be planned, organized and led by a State or group of States with the capacity to do so, with the participation of other interested countries. It would be mandated by the Security Council under Chapter VII of the Charter of the United Nations.

40. To date, the Secretariat has received replies from 21 countries, 11 of which have declined to participate. Of the 10 which responded positively, only 3 have offered troops. The remaining seven expressed willingness to offer assistance in some form, whether logistical support, transportation, medical units, communications or financial assistance, but not ground troops. No country has emerged as the lead nation which such an operation would require.

41. On 22 July 1996, I wrote to the Security Council (S/1996/591) to stress once again the pressing need for the international community to take concrete and immediate action to halt the cycle of violence and to prevent another catastrophe in the Great Lakes region. I also underlined the need to press forward with the ongoing contingency planning for a multinational force. In its presidential statement of 24 July 1996 (S/PRST/1996/31), the Council reiterated the importance it attached to contingency planning and noted the consultations which had already taken place. In the light of recent developments, it once again requested me and Member States concerned to continue to facilitate contingency planning for a rapid humanitarian response in the event of widespread violence or a serious deterioration in the humanitarian situation in Burundi.

42. The Secretariat has also closely followed developments pursuant to the Arusha agreement of 25 June 1996 and has held meetings with the three African Governments which have expressed willingness to commit troops to the force provided for by the agreement: Ethiopia, Uganda and the United Republic of Tanzania. In endorsing the agreement, OAU appealed to the Security Council "to provide all the necessary financial, logistical and other material assistance to the countries which will be involved in providing the requested security assistance". The second Arusha Summit of 31 July 1996 decided to reactivate the Arusha agreement of 25 June on a regional military force for deployment in Burundi. Moreover, there appears to be strong support in OAU for more forceful

military action if the new Burundi authorities refuse to invite the regional force to deploy. While it appears unlikely that the United Nations would be in a position to finance a regional force not directly under its control, the Secretariat stands ready to accede to any request from regional Governments to pool its planning efforts and resources with theirs.

43. The response of Member States to the Secretariat's efforts, at the Council's request, to canvass support for intervention in Burundi has thus not yet matched the urgency and seriousness of the situation in that country. In these circumstances, some Member States have suggested that, given the unwillingness of any State or States to volunteer to take the lead in planning, commanding and deploying a multinational humanitarian intervention force under Chapter VII of the Charter, the Secretariat should examine whether such a force could be planned, organized and conducted by the United Nations itself and financed through assessed contributions. Preliminary indications are that such a force would have to be very large, perhaps in the order of 50,000 troops including logistics elements, and that the difficulties of deploying it in land-locked Burundi would be extreme. I have doubts about the willingness of Member States to provide the troops for an operation on this scale or to finance it. I also have doubts about the capacity of the Secretariat to manage it. However, it is necessary to leave no stone unturned in the search for ways to help save Burundi from the cataclysm which threatens it. The Secretariat has therefore written to some 30 potential troop contributors to assess their reactions to this possibility. Five replies have been received so far. All but one are negative.

VII. OBSERVATIONS

44. The conflict in Burundi is exacerbated by a deeply rooted perception among its people that the survival of each community will be imperilled unless it secures the reins of power for itself. Consequently, the historically dominant Tutsi minority refuses to relinquish effective control, whereas the Hutu majority is determined to recover the power which it won in a democratic election in 1993.

45. Evidently this conflict is not susceptible to a military solution. Political mechanisms have to be found to share power between the majority and the minority in a way that will allay the fears of both sides and gradually build up the confidence that will enable them to live in harmony. The 1994 Convention on Governance was such a mechanism but unfortunately it did not work. It is also evident that in the present circumstances the two sides will not be able to identify and establish effective political mechanisms by themselves. They need the help of outsiders.

46. Fortunately outsiders are ready to help. In recent months they have united in support of the noble and tireless work of President Nyerere and they look to him now to redouble his efforts to get all the Burundian political parties and factions to enter into a dialogue which will permit the negotiation of a new political mechanism to succeed the Convention on Governance. Given the acuteness of the current crisis, it is desirable that all tendencies should be

represented in such talks, difficult though some will find it to sit down with others after the horrors which have afflicted Burundi during the last few years.

47. The coup d'état of 25 July has not made this process easier. As I stated the day before, the forceful overthrow of the legal Government will not solve the problems of Burundi. It will reinforce the fears of one side and strengthen extremists on both sides. It will increase violence and add to the suffering of the Burundian people. It thus makes a political dialogue all the more imperative.

48. The prompt and forceful reaction of the countries of the region underlines their concern at the coup's implications for peace and security in the already troubled Great Lakes region. It must surely bring home to those who have seized power that their action will not ease the plight of their country. At the same time, the sanctions should not be seen as an instrument of punishment, nor should they be allowed to add to the hardship of the suffering people of Burundi. They are, as always, a means to an end. The end in this case is the opening of serious negotiations for a political settlement.

49. Meanwhile, I continue to believe that the international community must allow for the possibility that the worst may happen and that genocide could occur in Burundi. In that case, whatever Governments may think now, military intervention to save lives might become an inescapable imperative. It would be quicker and more effective if it had been planned in advance by countries with the necessary military and logistic capacity. I appeal again to those countries to undertake the necessary contingency planning. The United Nations is ready to help, within its limited capacity, but I am convinced that it is a delusion to think that such an operation could be planned, deployed and commanded by the United Nations as if it were a peace-keeping operation.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/661
15 August 1996

ORIGINAL: ENGLISH

NOTE VERBALE DATED 12 AUGUST 1996 FROM THE ACTING PERMANENT REPRESENTATIVE OF SLOVAKIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Acting Permanent Representative of Slovakia to the United Nations presents his compliments to the Secretary-General and, with reference to the latter's note No. SCA/10/96(1), has the honour to inform him of the measures instituted by the appropriate Slovak authorities, that is, the Ministry of Transport, the Ministry of Defence, the Ministry of Finance and the Ministry of the Interior, to comply with the sanctions imposed on the Libyan Arab Jamahiriya by Security Council resolutions 748 (1992) and 883 (1993).

The above-mentioned Slovak authorities have issued relevant instructions according to which no aircraft has taken off from or landed in Slovakia if it should be destined to land in or has taken off from the territory of the Libyan Arab Jamahiriya; there has been no supply of any aircraft components to the Libyan Arab Jamahiriya or any materials destined for the construction, improvement or maintenance of Libyan civilian or military airfields or associated facilities and equipment; there has been no provision of advice, assistance or training to Libyan pilots, flight engineers or aircraft and ground maintenance personnel associated with the operation of aircraft and airfields within the Libyan Arab Jamahiriya; there have been no commercial transactions with Libyan Arab Airlines, and no renewal of any direct insurance for Libyan aircraft. There has been no provision to the Libyan Arab Jamahiriya of arms or related materials of any type, including spare parts, as well as no provision of technical advice, assistance or training relating to the provision, manufacture, maintenance or use of arms or related materials of any type. According to the records of the Ministry of Finance, there are no funds or other financial resources owned or controlled by the Government or public authorities of the Libyan Arab Jamahiriya or any Libyan undertaking in Slovakia, and there has been no provision to the Libyan Arab Jamahiriya of the items listed in the annex to Security Council resolution 883 (1993), and no provision of any type of equipment, supplies or grants of licensing arrangements for the manufacture or maintenance of such items. A restrictive policy towards the granting of visas to Libyan nationals has been adopted. Since there is no Libyan diplomatic mission or consular post in the territory of Slovakia the provision of subparagraph 6 (a) of Security Council resolution 748 (1992) is not applicable.

96-20864 (E) 150896 160896

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/662
15 August 1996
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 15 AUGUST 1996 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that on 6 and 7 July 1996 Kuwaiti naval patrols committed a number of assaults on Iraqi fishermen inside Iraqi territorial waters.

On 6 July the 11 fishermen on board the Iraqi vessel Al-Sadiq were assaulted by a Kuwaiti patrol. The vessel and its crew were detained and the crewmen were physically assaulted and verbally abused while being questioned.

On 7 July an Iraqi fishing boat was attacked and the crewmen were beaten and required to lower their Iraqi flag. Some of them still show signs of physical abuse.

I request you to intervene with the Government of Kuwait with a view to halting the unwarranted acts of aggression against Iraqi fishing vessels and Iraqi fishermen in which it engages in such a provocative manner. Such acts are incompatible with the Charter of the United Nations and international law, and they create a tense situation in a part of the region in which security and stability should prevail. I also affirm the right of the Republic of Iraq to seek compensation for the material and other damage caused to it by Kuwait's perpetration of such acts, in accordance with the principle of international responsibility.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Chargé d'affaires a.i.

96-20903 (E) 160896 160896 170896

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/663
15 August 1996

ORIGINAL: ENGLISH

LETTER DATED 14 AUGUST 1996 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to resolution 1011 (1995), adopted by the Security Council on 16 August 1995, regarding the situation in Rwanda. In paragraph 12 of that resolution, I was requested to report to the Council within six months of the date of its adoption, regarding, in particular, the export of arms and related matériel to the Government of Rwanda, on the basis of reports submitted by the Committee established pursuant to resolution 918 (1994) concerning Rwanda. That report is contained in document S/1996/202. I was also requested to report further to the Council within 12 months of the date of adoption of resolution 1011 (1995).

Accordingly, I wish to inform the members of the Council that during the period under review, the Committee established pursuant to resolution 918 (1994) concerning Rwanda has received the following notifications with regard to the export to, and the import by, the Government of Rwanda of arms and related matériel, which have been published as documents of the Security Council.

Export to the Government of Rwanda

1. On 12 February 1996, from the Government of Singapore for the export of spare parts for vehicles from Singapore to Rwanda through the entry point of Rusumo, Rwanda, via the port of Dar es Salaam, United Republic of Tanzania, which has also been notified by the Government of Rwanda (S/1996/329).

2. On 24 May 1996, from the Government of Singapore for the export of spare parts for vehicles from Tata Engineering Services (Pte) Ltd. (a Singapore company) to Rwanda through the entry point of Rusumo, Rwanda, via the port of Dar es Salaam, United Republic of Tanzania (S/1996/396).

Import by the Government of Rwanda

3. On 14 March 1996, from the Government of Rwanda (S/1996/329) for the importation of:

(a) Two (2) boats for patrol purposes from Italy (which have been described by the Italian authorities as "rubber dinghies") through the entry point of Rusumo, Rwanda, through the port of Dar es Salaam, United Republic of Tanzania;

(b) Sixty-five (65) Toyota cars from Dubai through the entry point of Rusumo, Rwanda, through the port of Dar es Salaam, United Republic of Tanzania;

(c) One hundred twenty-two (122) Tata vehicles for military use, from Singapore through the entry point of Rusumo, Rwanda, through the port of Dar es Salaam, United Republic of Tanzania.

4. On 3 June 1996, from the Government of Rwanda for the importation of military clothing from Germany to Rwanda through the entry point of Rusumo, Rwanda via the port of Dar es Salaam, United Republic of Tanzania (S/1996/407).

(Signed) Boutros BOUTROS-GHALI

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/664
16 August 1996

ORIGINAL: ENGLISH

Botswana, Egypt and Guinea-Bissau: draft resolution

The Security Council,

Recalling its resolutions 1044 (1996) of 31 January 1996 and 1054 (1996) of 26 April 1996,

Having considered the report of the Secretary-General of 10 July 1996 (S/1996/541 and Add.1, 2 and 3),

Taking note of the letters of 31 May 1996 (S/1996/402), 24 June 1996 (S/1996/464) and 2 July 1996 (S/1996/513) from the Permanent Representative of the Sudan,

Taking note also of the letter of 10 July 1996 (S/1996/538) from the Permanent Representative of the Federal Democratic Republic of Ethiopia,

Gravely alarmed at the terrorist assassination attempt on the life of the President of the Arab Republic of Egypt, in Addis Ababa, Ethiopia, on 26 June 1995, and convinced that those responsible for that act must be brought to justice,

Taking note that the statements of the Central Organ of the Organization of African Unity (OAU) Mechanism for Conflict Prevention, Management and Resolution of 11 September 1995, and of 19 December 1995 (S/1996/10, annexes I and II) considered the attempt on the life of President Mubarak as aimed, not only at the President of the Arab Republic of Egypt, and not only at the sovereignty, integrity and stability of Ethiopia, but also at Africa as a whole,

Regretting the fact that the Government of Sudan has not yet complied with the requests of the Central Organ of the OAU set out in those statements,

Taking note of the continued efforts of the OAU to ensure Sudan's compliance with the requests of the Central Organ of the OAU, and regretting that the Government of Sudan has not responded adequately to the efforts of the OAU,

Deeply alarmed that the Government of Sudan has failed to comply with the requests set out in paragraph 4 of resolution 1044 (1996) as reaffirmed in paragraph 1 of resolution 1054 (1996),

Reaffirming that the suppression of acts of international terrorism, including those in which States are involved is essential for the maintenance of international peace and security,

Determining that the non-compliance by the Government of Sudan with the requests set out in paragraph 4 of resolution 1044 (1996) as reaffirmed in paragraph 1 of resolution 1054 (1996) constitutes a threat to international peace and security,

Determined to eliminate international terrorism and to ensure the effective implementation of resolutions 1044 (1996) and 1054 (1996), and to that end acting under Chapter VII of the Charter of the United Nations,

1. Demands once again that the Government of Sudan comply fully and without further delay with the requests set out in paragraph 4 of resolution 1044 (1996) as reaffirmed in paragraph 1 of resolution 1054 (1996);

2. Notes the steps taken by some Member States to give effect to the provisions set out in paragraph 3 of resolution 1054 (1996), and requests those States that have not yet done so to report to the Secretary-General as soon as possible on the steps they have taken to that end;

3. Decides that all States shall deny aircraft permission to take off from, land in, or overfly their territories if the aircraft is registered in Sudan, or owned, leased or operated by or on behalf of Sudan Airways or by any undertaking, wherever located or organized, which is substantially owned or controlled by Sudan Airways, or owned, leased or operated by the Government or public authorities of Sudan, or by an undertaking, wherever located or organized, which is substantially owned or controlled by the Government or public authorities of Sudan;

4. Further decides that it shall, 90 days after the date of adoption of this resolution, determine the date of entry into force of the provisions set out in paragraph 3 above and all aspects of the modalities of its implementation, unless the Council decides before then, on the basis of a report presented by the Secretary-General, on the compliance of Sudan with the demand in paragraph 1 above;

5. Requests the Secretary-General, by 15 November 1996, to submit a report on the compliance of Sudan with the provisions of paragraph 1 above;

6. Decides to remain actively seized of the matter.